ENTERED

September 20, 2018 David J. Bradlev. Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

GEORGE WEST and	§	
BRADY FULLER	§	
Plaintiffs.	§ §	
VS.	§ §	CIVIL ACTION NO. 3:16-CV-00309
CITY OF SANTA FE, TEXAS	§ §	
and CITY OF HITCHCOCK, TEXAS	§	
	§	
Defendants.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION & SEVERING CASES

Pending before the Court is the August 16, 2018 Memorandum and Recommendation of United States Magistrate Judge Andrew M. Edison. Defendant City of Hitchcock's Opposed Motion to Dismiss (Dkt. 54) and Defendants' Opposed Motion to Dismiss Plaintiffs' Claims (Dkt. 16) were referred to Judge Edison. (Dkts. 57, 59). On August 16, 2018, Judge Edison filed a Memorandum and Recommendation recommending that that the Defendant City of Hitchcock's Opposed Motion to Dismiss (Dkt. 54) and Defendants' Opposed Motion to Dismiss Plaintiffs' Claims (Dkt. 16) be DENIED.

On August 30, 2018, Defendants filed their Objections (Dkts. 70, 71). In accordance with 28 U.S.C. § 636(b)(1), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this

de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." Id.; see also FED. R. CIV. P. 72(b)(3).

The Court has carefully reviewed the Objections; the Memorandum and Recommendation; the pleadings; and the briefing and arguments of the parties.

The Court ACCEPTS Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation is APPROVED AND **ADOPTED** in its entirety as the holding of the Court:
- Defendant City of Hitchcock's Opposed Motion to Dismiss (Dkt. 54) is (2) **DENIED**; and;
- Defendants' Opposed Motion to Dismiss Plaintiffs' Claims (Dkt. 16) is (3) DENIED.

The Court also ORDERS that this case is SEVERED into two separate lawsuits. The first lawsuit, which will carry this case number, will consist of George West's claims against Defendant City of Hitchcock, Texas. The second lawsuit will carry a case number assigned by the District Clerk, and will consist of Brady Fuller's claims against Defendant City of Santa Fe, Texas.

It is so **ORDERED**.

SIGNED and ENTERED this 19 day of September, 2018.

UNITED STATES DISTRICT JUDGE